

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

ANDRE BISASOR,
Plaintiff,

vs.

CRAIG S. DONAIS, RUSSELL F.
HILLIARD, DONAIS LAW OFFICES
PLLC, UPTON AND HATFIELD LLP,
and MARY K. DONAIS,
Defendants.

Case No. 1:23-cv-374-JL-TSM

**DEFENDANTS RUSSELL F. HILLIARD’S AND UPTON & HATFIELD, LLP’S
OPPOSITION PLAINTIFF’S REFILED MOTION TO AMEND COMPLAINT**

NOW COME Defendants Russell F. Hilliard (“Hilliard”) and Upton & Hatfield, LLP (“Upton & Hatfield”) (collectively “Defendants”) and submit the following Opposition to Plaintiff’s Motion to Amend (the “Motion”). The Motion fails to provide sufficient information regarding any proposed amendment.

I. BACKGROUND

Plaintiff has already amended his Complaint once – transforming a 6 page, 55 paragraph Complaint to a 92 page, 901 paragraph Amended Complaint. Plaintiff’s Amended Complaint alleges the following claims against Hilliard and Upton & Hatfield: Defamation Per Se/Libel Per Se (Count 1), Defamation/Libel of Private Citizen (Count 2), False Light Invasion of Privacy (Count 3), Aiding and Abetting Defamation (Count 4), Tortious Interference with Advantageous Relations (Count 5), Intentional Infliction of Emotional Distress (Count 8), Civil Conspiracy (Count 9), Abuse of Process (Count 10), and Racial Harassment & Retaliation in Violation of Federal Civil Rights Statute 42 U.S.C. § 1981 (Count 13).

II. ARGUMENT

The Plaintiff failed to attach his proposed Second Amended Complaint to the Motion. The Court may deny the Motion for that reason. *Feeney v. Correctional Medical Services, Inc.*, 464 F.3d 158, FN4 (1st Cir. 2006). The failure to attach a proposed Second Amended Complaint violates Local Rule 15.1(a), which requires that “[a] party who moves to amend a filing shall (i) attached the proposed amended filing to the motion to amend . . .” The Motion also does not identify any new factual allegations or explain why any new allegations, claims or parties were not included in the original filing. *See* Local Rule 15.1(a)(ii) and (iii).

Due to the Plaintiff’s failure to include a proposed Second Amended Complaint or any specific details regarding what he seeks to amend by way of a Second Amended Complaint, the Defendants cannot ascertain the grounds for such an amended pleading, or what he is seeking to add relative to their involvement. Moreover, as the Defendants have already filed their responsive pleading, it would be prejudicial to them for Plaintiff to file another amended pleading.

WHEREFORE, Defendants Russell F. Hilliard and Upton & Hatfield, LLP respectfully request this Court deny Plaintiff’s Refiled Motion to Amend, along with any other relief the Court deems proper.

Respectfully submitted,

The Defendants,
RUSSELL F. HILLIARD and
UPTON & HATFIELD, LLP,

By their attorneys,

Dated: November 10, 2023

/s/ Daniel R. Sonneborn

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CERTIFICATE OF SERVICE

I hereby certify that I caused a true copy of this document to be served via electronic filing on all counsel of record or pro se parties on November 10, 2023.

/s/ Daniel R. Sonneborn
Daniel R. Sonneborn